

Senate Study Bill 3128 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to sex offender registry requirements for
2 juveniles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.54, subsection 1, paragraph i, Code
2 2014, is amended to read as follows:

3 i. With respect to a dispositional order requiring a
4 child to register as a sex offender pursuant to chapter 692A,
5 the juvenile court shall determine under section 692A.103,
6 subsection 5, whether the child shall remain on the sex
7 offender registry prior to termination of the dispositional
8 order for the offense requiring registration and the entry
9 of any order discharging the offender from juvenile court
10 supervision for the offense requiring registration.

11 Sec. 2. Section 692A.103, subsections 3, 4, 5, and 6, Code
12 2014, are amended to read as follows:

13 3. A juvenile adjudicated delinquent for an offense that
14 requires registration shall ~~be required to~~ register as required
15 in this chapter unless the juvenile court, upon a motion
16 filed by the juvenile under subsection 5, permanently waives,
17 modifies, or temporarily suspends the requirement and finds
18 that the person should not be required to register as specified
19 under this chapter.

20 4. Notwithstanding ~~subsections 3 and~~ subsection 5, a
21 juvenile fourteen years of age or older at the time the
22 offense was committed shall be required to register if
23 the adjudication was for an offense committed by force or
24 the threat of serious violence, by rendering the victim
25 unconscious, or by involuntary drugging of the victim. At the
26 time of adjudication the judge shall make a determination as
27 to whether the offense was committed by force or the threat of
28 serious violence, by rendering the victim unconscious, or by
29 involuntary drugging of the victim.

30 5. ~~If a juvenile is required to register pursuant to~~
31 ~~subsection 3, the~~ The juvenile court may, upon motion of the
32 juvenile, and after reasonable notice to the parties and
33 hearing, ~~modify or suspend~~ permanently waive the registration
34 requirements, modify the duration of registration under section
35 692A.106, or temporarily suspend the registration requirements

1 pursuant to paragraph "b", if good cause for the waiver,
2 modification, or suspension is shown.

3 a. The motion of the juvenile to waive, modify, or
4 temporarily suspend the registration requirements shall be
5 made and the hearing and final order shall occur prior to
6 the discharge of the juvenile from the jurisdiction of the
7 juvenile court for the sex offense that requires registration
8 the termination of the dispositional order for the offense
9 requiring registration and the entry of any order discharging
10 the offender from juvenile court supervision for the offense
11 requiring registration. Any subsequent motions to modify the
12 sex offender registry requirements shall be made in district
13 court pursuant to section 692A.128.

14 b. (1) If at the time of the hearing on the motion the
15 juvenile is participating in or has been ordered to participate
16 in an appropriate outpatient treatment program for juvenile
17 sex offenders, or if the juvenile has successfully completed
18 an appropriate outpatient or in-patient treatment program
19 for juvenile sex offenders and remains under juvenile court
20 supervision for the offense requiring registration, the
21 juvenile court may enter orders temporarily suspending the
22 requirement that the juvenile register and may defer entry of
23 a final order on the matter until such time that the juvenile
24 has completed or been discharged from the outpatient treatment
25 program on the registration requirements as provided in
26 subparagraph (2).

27 c. (2) Final orders A final order on the juvenile's motion
28 to permanently waive the registration requirements or modify
29 the duration of registration under section 692A.106 shall then
30 be entered within thirty days from the date of the juvenile's
31 completion or discharge from outpatient treatment prior to
32 the termination of the dispositional order for the offense
33 requiring registration and the entry of any order discharging
34 the offender from juvenile court supervision for the offense
35 requiring registration.

1 ~~d.~~ c. Any order entered pursuant to this subsection that
2 permanently waives the registration requirements, modifies
3 the duration of registration, or temporarily suspends the
4 requirement to register shall include written findings
5 stating the reason for the waiver, modification, or temporary
6 suspension, and shall include appropriate restrictions upon
7 the juvenile to protect the public during any period of
8 time the registry requirements are ~~modified or~~ temporarily
9 suspended. Upon entry of an order permanently waiving
10 the registration requirements, modifying the duration of
11 registration, or temporarily suspending the requirement to
12 register, the juvenile court shall notify the superintendent or
13 the superintendent's designee where the juvenile is enrolled of
14 the decision.

15 e. d. This subsection does not apply to a juvenile fourteen
16 years of age or older at the time the offense was committed
17 if the adjudication was for a sex offense committed by force
18 or the threat of serious violence, by rendering the victim
19 unconscious, or by involuntary drugging of the victim.

20 e. A juvenile shall not file more than one motion pursuant
21 to this subsection during the period the juvenile is required
22 to register under this chapter.

23 6. If a ~~juvenile is required to register and the court later~~
24 permanently waives, modifies, or temporarily suspends the order
25 regarding the requirement to register pursuant to subsection
26 5, the court shall notify the department within five days of
27 the decision.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to sex offender registry requirements for
32 juveniles.

33 The bill eliminates the requirement the court make an
34 initial determination, after adjudication, that the juvenile
35 register as a sex offender and requires all juveniles required

1 to register as a sex offender to register, unless upon motion
2 by the juvenile, the court permanently waives, modifies, or
3 temporarily suspends the sex offender registration requirement.
4 Under current law, a juvenile adjudicated delinquent for
5 an offense that requires the juvenile to register as a sex
6 offender may have the registration requirement modified or
7 suspended by the court or the juvenile may file a motion to
8 have the registration requirement modified or suspended after
9 the court makes the initial determination that the juvenile
10 register as a sex offender.

11 The bill specifies that the court may permanently waive,
12 modify the duration of registration, or temporarily suspend the
13 requirements, if good cause for the waiver, modification, or
14 suspension is shown. Current law specifies that the court may
15 modify or suspend the registration requirements.

16 The bill specifies that a juvenile required to register
17 as a sex offender is entitled to only file one motion under
18 Code section 692A.103(5) to permanently waive, modify, or
19 temporarily suspend the registration requirements. The bill
20 further specifies that any subsequent motions to modify the sex
21 offender registry requirements shall be made in district court
22 pursuant to Code section 692A.128.

23 If the juvenile files a motion to waive, modify, or
24 temporarily suspend the registration requirements, and the
25 juvenile has been ordered to participate in an appropriate
26 outpatient treatment program for juvenile sex offenders or
27 the juvenile has successfully completed an outpatient or
28 in-patient treatment program for juvenile sex offenders and
29 remains under juvenile court supervision for the offense
30 requiring registration, the bill allows the court to enter a
31 preliminary order that temporarily suspends the registration
32 requirements. Under current law, if the juvenile files the
33 motion and the juvenile is participating in an appropriate
34 outpatient treatment program for juvenile sex offenders, the
35 court may enter a preliminary order that temporarily suspends

1 the registration requirements.

2 After temporarily suspending the registration requirements,
3 the bill authorizes the court to delay entry of a final order
4 on the juvenile's motion to permanently waive the registration
5 requirements or modify the duration of registration, until
6 prior to the termination of the dispositional order for the
7 offense requiring registration and the entry of any order
8 discharging the offender from juvenile court supervision for
9 the offense requiring registration.

10 Under current law and the bill, a juvenile 14 years of
11 age or older at the time the offense was committed and
12 adjudicated for a sex offense committed by force or the threat
13 of serious violence, by rendering the victim unconscious,
14 or by involuntary drugging of the victim, is ineligible to
15 file a motion to waive, modify, or temporarily suspend the
16 registration requirements.